



STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
LANSING

MICHAEL R. DEVOS  
EXECUTIVE DIRECTOR

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## MEMORANDUM

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**TO:** OFFICE OF COMMUNITY DEVELOPMENT GRANTEES  
**FROM:** STEPHEN LATHOM, HOMEBUYER DEVELOPMENT SPECIALIST  
**SUBJECT:** *REVISED POLICY PROPOSAL—VISITABILITY STANDARDS*  
**DATE:** SEPTEMBER 21, 2005

**Background:** In a memo dated May 9, 2002, MSHDA's Office of Community Development (OCD) notified grantees that proposed legislation, HB 4138, would impose certain "visitability" requirements on MSHDA assisted new construction projects involving one to three family structures. At that time, OCD proposed applying a similar standard through administrative means starting on January 1, 2006. A copy of that memo is attached to this updated policy guidance for your review. Finally, OCD solicited input from its grantees on the proposed policy in an effort to better understand the impact such "visitable design" standards might have on OCD-funded single-family projects.

**Grantee Comments:** Many were received about this issue. A few comments indicated support for the proposed legislation, and one grantee even indicated that it had previously decided to build new homes to meet the proposed standards. However, many comments were substantially more guarded, noting general support for providing more inclusive design options in assisted housing, designs that accommodated aging in place options for assisted households, and other related goals, but expressing concern about the timing, the broad applicability, and the perceived lack of flexibility in the proposed rule.

More specifically, grantees indicated that assisted projects often take months if not years to plan, to complete due diligence, and to finance. Many projects likely to request and receive funding in the first application window for the 2006 Housing Resource Fund already have site plan approval, designs selected, and in some cases preliminary bids, and applying this standard to those projects would cause significant delays and in some cases require additional cost expenditures to change the nature of projects. In short, several comments indicated that "visitable design" standards should only be required after a longer notice period.

Other comments expressed concerns about the possibility that technical standards in the proposed legislation would be modified during the legislative process leaving grantees preparing for one set of standards being applied administratively only to be required to meet different requirements if legislation passes. Additionally, some grantees expressed hesitation about applying a "visitability" standard when the concept is somewhat loosely defined and open to varying interpretations. Without a consistent definition of "visitable design" that is broadly recognized by the development and design communities, grantees were concerned that technical standards would be subject to ongoing debate and amendment, and not provide a predictable set of standards for which grantees could plan.

Other comments disputed the assertion that these standards could be implemented in a cost-effective manner. One grantee noted that OCD already encourages the production of relatively "smaller" homes, often financing the production of 3-bedroom, 2-bath homes that have less than 1300 square feet of living space. Wider doorways and hallways in addition to larger bathrooms on a home's main level, the grantee pointed out, would take up space otherwise available for living space, thus reducing the marketability of OCD-funded homes. Adding the lost living space back into the house design, on the other hand, would significantly increase the cost of construction. This was especially noted by grantees that are currently building two story homes, often with only a small half-bath on the main floor, and would need to increase the footprint of the home to meet these standards.



Finally, many grantees indicated that designs meeting the “visitability” standards proposed by the May 9<sup>th</sup> memo would affect their ability to build homes on relatively narrow urban lots—one grantee has designs that fit on a 30 foot wide lot—reducing their ability to provide infill housing in neighborhoods with a mix of existing housing and infill development opportunities, build homes that fit in with existing neighborhood architecture, and provide a range of product types to attract buyers to their neighborhoods.

In all, the majority of comments received suggested:

- Any technical standards imposed be based on legislative mandates or nationally recognized standards defining “visitable design;”
- OCD should not mandate a requirement without additional lead time and before offering training and technical assistance opportunities to grantees;
- Any future requirements seek a more equal balance among various goals including “visitability,” neighborhood revitalization, providing a diversity of product types, architectural consistency, and the like—more specifically, many grantees suggested that any specific design standards be applied to a smaller percentage of total MSHDA-assisted units; and
- OCD should not impose these requirements at this time unless required to do so by legislation.

**OCD Response and Updated Proposal:** Based on the comments received from grantees who are currently developing units and from the Community Economic Development Association of Michigan, OCD will not require the “visitability” standards outlined in the May 9<sup>th</sup> memo at this time unless required to do so by legislation. However, OCD still believes 1) that “visitability” is a worthwhile concept to explore and, where feasible, include in assisted development, and 2) that any future “visitability” requirements can be crafted in a more acceptable, feasible, and cost-effective manner if they are informed by additional real world experience of OCD grantees.

As a result, OCD will take the following steps to gain more technical expertise and provide case studies for future reference:

1. Provide technical assistance, likely through paying for architectural and/or site plan design assistance, to interested grantees that would like to build “visitable” single family housing;
2. Sponsor one or more trainings at the Michigan Affordable Housing Conference or other similar venues to provide grantees with more background on the technical issues involved in “visitable design” and access to experts on the topic; and
3. Prioritize funding consideration for applicants that incorporate the visitability standards set forth in the May 9<sup>th</sup> memo and otherwise meet OCD’s Investment Priorities and compliance standards.

**Grantees must note that if HB 4138 or similar legislation passes, OCD will take necessary steps to comply with any new standards imposed upon its funding by the law.**

**For more information:** Grantees with additional questions should contact their Community Development Specialist.



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## MEMORANDUM

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**TO:** OCD GRANTEES  
**FROM:** STEPHEN LATHOM, HOMEBUYER DEVELOPMENT SPECIALIST  
**SUBJECT:** ~~VISITABILITY~~ PROPOSED POLICY CHANGES—DESIGN STANDARDS  
**DATE:** MAY 9, 2005

**Proposal:** Beginning with new grants funded after January 1, 2006, the Office of Community Development (OCD) proposes to require that OCD funded new construction homes meet “visitability” requirements for persons with limited mobility, as outlined below.

**Background:** OCD provides funding to subsidize the development of new homes for sale to low and moderate income households primarily through the Housing Resource Fund. In this program, OCD places various site and design requirements on these projects to maximize their positive impact on the community (a general standard to meet or exceed the quality and design of neighboring houses, walkable connections to community services, service to the site by existing public infrastructure, etc.).

Legislation has been proposed (H.B. 4138) that would impose additional design requirements on one, two, and three family dwellings, **newly constructed** with assistance from MSHDA. The proposed legislation would require that new homes constructed with assistance from MSHDA be “visitable” by individuals with physical limitations. The specific design standards can be found in House Bill 4138, which can be accessed at [www.legislature.mi.gov](http://www.legislature.mi.gov). In short, the legislation would require that new construction of one, two, and three family homes assisted by MSHDA have:

- a. A no-step main floor entry with a threshold of less than ½ inch (this entry may be in the front, back, side, or through the garage);
- b. All doorways at least 32 inches wide with the door open at a 90 degree angle (note that achieving this amount of clearance will require at least 34 inch interior doors on the entry level);
- c. All hallways at least 36 inches wide (note that 34 inch doors at the end of a hallway will require that the hallway be at least 40 inches wide to allow for door casings);
- d. Blocking for future grab bar installation in all main floor bathrooms;
- e. At least one wheelchair accessible half-bathroom on the main floor (The standard in the pending legislation for a wheelchair accessible bathroom requires at least a ½-bath on the entry level “that contains clear floor space of 30 by 48 inches centered on and contiguous to the sink that is not encroached by the swing path of the bathroom door and a sink and toilet that allow for parallel or head-on approach by a person in a wheel chair.”); and
- f. Environmental (i.e. heating and cooling) controls at least 15 inches and no more than 48 inches above the floor.



OCD supports efforts to make housing more accessible to individuals with disabilities and to encourage designs that are friendly to those with mobility limitations. Based upon information presented to us, we believe that with adequate planning, these requirements can be met in a cost-effective manner, often through modification of existing plans used by our grantees. These changes, if implemented, may advance a number of positive outcomes for grantees, neighborhoods and homebuyers including:

- Increasing the number of homes which provide welcoming opportunities for persons with limited mobility to visit;
- Making housing more usable for persons who are temporarily disabled or become more mobility-limited after purchasing their home;
- Supporting aging-in-place opportunities; and
- Demonstrating the feasibility and marketability of these home designs to homebuilders and the public.

We recognize that there may be a few very small sites where these design objectives cannot be achieved without increased cost and/or decreased marketability that renders the project impossible within established subsidy limits. If permitted by legislation currently in force, OCD may grant waivers to such projects on a case-by-case basis, limited to no more than 10 percent of our total funded production of new construction. Waivers will not be granted simply to achieve aesthetic conformity with other housing units in the neighborhood (e.g., because all the other houses have raised front porches). Additionally, in the case of two and three unit structures, only ground floor units would be required to meet these requirements (i.e. if a “stacked flat” duplex were built, only the ground floor unit would need to be “visitable” while both units in a side-by-side duplex would need to meet these requirements).

**Implementation Plan:** Based upon the requirements of any legislation passed into law, OCD plans to implement standards similar to those contained in the bill for all new construction grants issued on or after January 1, 2006.

If H.B. 4138 or similar legislation is NOT passed, OCD is seeking input on a proposal to independently implement similar standards for all new construction grants issued on or after January 1, 2006.

Prior to implementation, OCD will conduct additional research on the issue of “visitable design” and develop more specific technical standards as needed. To develop these standards, OCD will consult with one or more architects to issue draft guidelines by September 1, 2005. If grantees have problems which are unique to the specific sites and/or housing types in their neighborhoods, OCD will provide technical assistance to develop design solutions.

**Comment Period:** This proposed policy change is being published in an effort to both provide advance notice of potential requirements to grantees and to seek feedback on the proposed policy. We believe that feedback from grantees will be helpful in identifying barriers to implementation, producing workable and effective technical standards, and evaluating the need for technical assistance.

Grantees wishing to comment on the proposed requirements can do so in writing by **June 17, 2005** to:

Stephen Lathom  
Homebuyer Development Specialist  
Office of Community Development  
735 E. Michigan Ave., PO Box 30044  
Lansing, MI 48909  
[lathoms@michigan.gov](mailto:lathoms@michigan.gov)

Comments will be compiled, summarized, and provided to all grantees in future correspondence along with written responses by OCD.